



Attorney Docket No. 36968/086082CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Edward R. Grauch *et al.*

SERIAL NO.: 09/496,825

GROUP ART UNIT: 2748

FILED: February 1, 2000

EXAMINER: Not Assigned

FOR: **METHOD AND SYSTEM FOR TRACKING NETWORK USE**

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Assistant Commissioner for
Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on September 28, 2000

Signature Habibullah

PRELIMINARY AMENDMENT

Sir:

This paper is being submitted prior to examination of the above-identified application.

REMARKS

Claims 1-23 are pending in the present application. This preliminary amendment is being filed in anticipation of an office action rejecting claims 1 to 7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,778,182 to Cathey et al. ("Cathey"). Examination and consideration of the present application are respectfully requested in view of the following remarks.

Remarks

Affidavits under 37 C.F.R. § 131 are being submitted with this Preliminary Amendment. These Affidavits establish that the invention of claims 1-7 was conceived and reduced to practice prior to the effective date of Cathey. The Affidavits, for instance, demonstrates that conception of the invention occurred as early as August 18, 1995, which is